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17 **Attorneys for Defendant**
17 **ABBOTT LABORATORIES**

19
19 **UNITED STATES DISTRICT COURT**
20 **NORTHERN DISTRICT OF CALIFORNIA**

21
21 IN RE ABBOTT LABS NORVIR) No. C-04-1511 CW
22 ANTITRUST LITIGATION)
23) STIPULATION EXTENDING DATE TO
23) CONDUCT SETTLEMENT CONFERENCE
24) AND TO SUBMIT PROPOSED
24) REVISIONS TO THE LITIGATION
24) SCHEDULE, AND ORDER THEREON
25)
25)
26)
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C-04-1511 CW STIPULATION EXTENDING DATE TO CONDUCT SETTLEMENT
CONFERENCE AND TO SUBMIT PROPOSED REVISIONS TO LITIGATION SCHEDULE,
AND [PROPOSED] ORDER THEREON

RECITALS

2 WHEREAS, in the Court's Minute Order dated April 7, 2006, the Court directed the
3 parties to return to Magistrate Judge Larson for a settlement conference within 30 days of the
4 Court's summary judgment order issuing, or as soon thereafter as was convenient to Judge
5 Larson's calendar.

6 WHEREAS, on July 6, 2006, the Court issued an order denying Abbott's renewed motion
7 for summary judgment.

8 WHEREAS, starting on July 10, 2006, the parties have worked with Magistrate Judge
9 Larson's chambers to set a settlement conference date.

10 WHEREAS, due to scheduling conflicts among the parties and the Magistrate Judge, and
11 the desire to make it possible for the principals to attend in order to make the conference more
12 productive, it appears that November 8, 2006 is now the earliest possible date for a settlement
13 conference with the Magistrate Judge to occur.

14 WHEREAS, in an attempt to advance the settlement process and to lay the groundwork for
15 the settlement conference with the Magistrate Judge, the parties intend to meet with each other on
16 September 26, 2006 in New York City for the purpose of engaging in preliminary settlement
17 discussions

18 WHEREAS, the Minute Order contemplated that for scheduling reasons it might not be
19 possible for the settlement conference to occur within 30 days of the summary judgment order;
20 however, the parties wanted the Court to be aware of this unavoidable delay.

21 WHEREAS, the parties wanted to alert the Court that in light of the recent summary
22 judgment order and Abbott's identification of additional patents it intends to assert, the parties are
23 working together to propose a revised litigation schedule for the Court's consideration. The
24 parties anticipate submitting a new proposed schedule to the court within the next ten (10) days.

STIPULATION

26 NOW, THEREFORE, it is hereby stipulated among the parties that:

1 1. The parties shall participate in a settlement conference before Magistrate Judge
2 Larson on November 8, 2006.

3 2. The parties shall submit a new proposed litigation schedule to the Court within ten
4 (10) days of the date of this Stipulation.

5 | Dated: August 14, 2006

Respectfully submitted,

BERMAN DEVALERIO PEASE TABACCO BURT & PUCILLO

By: /s/ Christopher T. Heffelfinger
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15 Dated: August 14, 2006 16 Respectfully submitted,
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25 **Attorneys for Defendant
ABBOTT LABORATORIES**

1 **ORDER**

2 IT IS SO ORDERED.

3 Dated: August 22, 2006

4 /s/ CLAUDIA WILKEN

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United States District Judge

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